



Order Filed on March 19, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. LBR 9004-1(b)

HILL WALLACK LLP

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*Attorneys for New Residential Mortgage, LLC
d/b/a Shellpoint Mortgage Servicing*

In Re:

Terry A. DeSande and Linda A. DeSande,

Debtors.

Case No.: 19-13805 (CMG)

Chapter: 13

ORDER RESOLVING CREDITOR'S CERTIFICATION OF DEFAULT

The consent order set forth on the following pages, numbered two (2) through three (3), is hereby **ORDERED**.

DATED: March 19, 2020

A handwritten signature in black ink, reading "Christine M. Gravelle".

Honorable Christine M. Gravelle
United States Bankruptcy Judge

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Debtor: Terry A. DeSande and Linda A. DeSande

Case No: 19-13805 (CMG)

Caption: Order Resolving Creditor's Certification of Default

Applicant:	<u>NewRez LLC dba Shellpoint Mortgage Servicing</u> <u>("Secured Creditor")</u>
Applicant's Counsel:	<u>Hill Wallack LLP</u>
Debtor's Counsel:	<u>Eugene D. Roth, Esq.</u>
Property Involved ("Collateral"):	<u>93 Eton Road, Toms River, NJ 08757</u>

Relief sought:

- ✓ Motion for relief from the automatic stay (Certification of Debtors' Default)
- Motion to dismiss
- Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion is resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- The Debtors are overdue for two (2) months, from November 1, 2019 to December 1, 2019 as of the filing of the Certification of Debtors' Default (December 31, 2019, 2019)
- The Debtors are now also overdue for one (2) months, January 1, 2020 and February 1, 2020 as of February 28, 2020
- The Debtor is overdue for four (4) payments at \$1,029.10 per month.
- Less funds held in Debtors' suspense \$0.00 for a total due for 4 months in the amount of \$4,116.40.
- Applicant acknowledges receipt of funds in the amount of \$4,116.40 received after the Certification of Debtors' Default was filed.

Total Arrearages Due \$0.00.

2. Debtors must cure all post-petition arrearages, as follows:

- Beginning on March 1, 2020, regular monthly mortgage payments shall continue to be made in the amount \$1,029.10.

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Debtor: Terry A. DeSande and Linda A. DeSande

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3. Payments to the Secured Creditor shall be made to the following address(es):

- ✓ Immediate payment: NewRez LLC d/b/a Shellpoint Mortgage Servicing
P.O. Box 740039
Cincinnati, OH 45274-0039
- ✓ Regular monthly payment: NewRez LLC d/b/a Shellpoint Mortgage Servicing
P.O. Box 740039
Cincinnati, OH 45274-0039
- ✓ Monthly cure payment: NewRez LLC d/b/a Shellpoint Mortgage Servicing
P.O. Box 740039
Cincinnati, OH 45274-0039

In the event of Default:

If the Debtor fails to make the immediate payment specified above or fail to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

4. Award of Attorneys' Fees:

- ✓ The Applicant is awarded attorney fees of \$200.00.

The fees and costs are payable through the Chapter 13 plan.